

## POLICY

The Interstate Compact for Juveniles (ICJ) provides for the return of juvenile runaways, escapees, juveniles who have failed to appear in court, and probation/parole absconders. This compact is implemented in Michigan state law and directs compliance with the ICJ by-laws and rules found at [www.juvenilecompact.org](http://www.juvenilecompact.org). This policy and ICJ rules apply to all MDHHS wards, Michigan court wards and non-wards including juvenile children of private persons.

The MDHHS interstate compact office works with other state compact offices, as well as MDHHS county offices, courts, law enforcement and private citizens, to administer the compact in Michigan.

If the juvenile has been placed in another state under the Interstate Compact on the Placement of Children (ICPC), the placement disruption provisions in Article V of the ICPC must be consulted first as a means of returning the juvenile back to the home state.

If a juvenile has run away to a relative's home that is later considered as possibly suitable for an ICPC referral, the juvenile must first be returned to Michigan. The juvenile's caseworker may then begin work on an ICPC referral if deemed appropriate.

If there is a legal custody issue involving the Uniform Child Custody Jurisdiction Enforcement Act, the county office must contact MDHHS Children's Services Legal Division regarding return. The compact office is not involved in these matters.

Under ICJ rules, the juvenile's home state is the controlling authority for determining if the juvenile is subject to the ICJ. The laws of the holding state govern the type of facility where a juvenile may be held.

Michigan and other states may elect to extradite a juvenile under the federal extradition statute. In such a case, the Michigan compact office will monitor the situation in coordination with the home or holding state, but not be directly involved.

Funding of return travel to Michigan via commercial airline must be coordinated and funded in advance by the Michigan compact office. Travel arrangements must be arranged by the compact office through the MDHHS travel agent. County offices, courts and private citizens that make their own travel arrangements assume full responsibility for travel funding and cannot be reimbursed. All

other travel expenses, including decisions to make use of ground return are the responsibility of the applicable county office, court or private citizen.

The home state is responsible for funding transportation from Michigan. The holding state is responsible for transport to the departure airport.

All ICJ case processing must be conducted using the Juvenile Interstate Data System. To ensure proper processing, original versions of the following documents must also be sent to the compact office for ICJ requisitions:

- Notarized petitions/affidavits.
- ICJ Forms or court orders signed by a judge or referee.
- Supporting documents certified to be true copies under seal of the court clerk.

Detailed procedures and additional information regarding returns and return support can be found in the 600 and 700 series ICJ rules at [www.juvenilecompact.org](http://www.juvenilecompact.org).

If a juvenile alleges abuse/neglect as the reason for running away, ICJ rules prohibit a return to the custody of the alleged abuser unless the allegations are resolved.

## **PURPOSE**

To support the return of a juvenile who has escaped, run away, failed to appear for a court hearing, or absconded while on probation or parole.

## **DEFINITIONS**

Definitions are found in the 100 series ICJ rules.

## **ACTION-MICHIGAN JUVENILE IN ANOTHER STATE**

In the case of an escapee, absconder, or juvenile who has failed to appear in court, the caseworker or probation officer must take the following actions:

- Seek a warrant from the local Michigan court to apprehend and detain the juvenile (if the warrant does not already exist).

- Ensure the warrant is addressed to all/any law enforcement officer and coded for nationwide pickup. Law enforcement officers in other states may refuse to act on warrants that are limited to Michigan or a Michigan county.
- Ensure the warrant is filed in the Law Enforcement Information Network (LEIN) and coded for nation-wide pickup in the National Crime Information Center database. Restrictions on dissemination of LEIN information remain in force.
- Send the warrant to the Michigan compact office with the nine digit NIC number that demonstrates NCIC entry. The NIC number is frequently requested by holding state detention centers, jails and courts.

In the case of a runaway, including MCI or foster care wards who have left placement, the caseworker, parent/guardian or responsible adult must:

- File a missing persons reports with the local police department.
- Provide a copy of the report and the nine digit NIC number to the Michigan compact office. Under Suzanne's Law, law enforcement, when provided with a missing persons report, must enter the report in LEIN and NCIC within two hours of receiving the report. This law applies to persons up to 21 years of age.

When a juvenile from Michigan is found in another state, that person must contact that state's compact office to report the juvenile. The state compact office must contact the Michigan compact office.

If a Michigan caseworker or probation officer becomes aware or another state reports a juvenile from Michigan in their state, the person receiving the report must contact the Michigan compact office and promptly provide as much of the information below as possible:

- Name of juvenile.
- Date of birth.
- Gender.
- Race.

- Height, weight.
- Hair color, eye color.
- Status (runaway, escapee, absconder).
- Current or planned placement, address, phone number, person making report.
- Previous placement (type, name, address).
- Remarks regarding physical status.
- Plans for or results of an ICJ hearing (if known).

### **Secure Holding and Hearing**

If the juvenile is a runaway and held less than 24 hours, the Michigan compact office, in coordination with the holding state compact office may approve release of the juvenile to a parent or guardian. Otherwise, the Michigan compact office must communicate with the holding state compact office to ensure the juvenile is securely held and an ICJ hearing is scheduled. The compact and law of the holding state govern the nature of the holding facility.

As per ICJ rule, expenses related to custody and support of the juvenile while in the holding state are the responsibility of the holding state.

If the juvenile faces criminal charges in the holding state, those charges must be resolved prior to the juvenile being able to return to Michigan. The holding state court may appoint a Guardian Ad Litem for the ICJ hearing at its discretion. Unless juvenile competence is at issue, a juvenile of any age may sign an ICJ hearing form (Form I, II or III); with or without the presence of a Guardian Ad Litem.

Following an ICJ hearing in the holding state where the juvenile signs the ICJ Form III, the holding state compact office must send the Form III to the Michigan compact office. The holding state will normally open the ICJ case in JIDS.

If the juvenile refuses to sign the ICJ Form III, the holding state compact office must notify the Michigan compact office. The Michigan compact office must confer with the county, court or adult

seeking the juvenile's return and determine if an ICJ requisition will be initiated. The Michigan compact office must provide support and assistance to support the requisition process.

### **Return Travel to Michigan**

If all holding state charges have been resolved and the juvenile has had an ICJ hearing, one of the following ICJ forms may be produced as a result of the hearing:

- ICJ Form III signed by the juvenile indicating that the juvenile has agreed to voluntarily return to Michigan.
- ICJ Form I signed by the court indicating the court has ordered the youth to return to Michigan.
- ICJ Form II signed by the court indicating the court has ordered the youth to return to Michigan.
- Adult waiver of extradition signed by the juvenile indicating that the juvenile has agreed to voluntarily return to Michigan. Under ICJ rule, an adult waiver of extradition must be accepted by Michigan.

The Michigan compact office must coordinate with the caseworker, court, or responsible adult, the holding state compact office, and Travelers Aid Society to arrange return travel to Michigan. Travel arrangements must conform to the following:

- The holding state is responsible for transport from the holding facility to the departure airport.
- Commercial airlines must normally be used. Ground transport for return to Michigan may be used if approved by both state compact offices and the county/court/responsible adult.
- Travel must be on a weekday within five business days of receipt of the relevant ICJ form unless both state compact offices grant an extension.
- Travel may start prior to normal day shift hours and arrival times may extend into evening hours.
- Travel may involve multiple stops and aircraft changes. Juveniles must be under staff surveillance while in ground layover unless both compact offices waive the requirement.

Staff surveillance must be arranged by the Michigan compact office for layovers and plane changes unless special arrangements are made with the airline.

- The youth must have an ID card with name and photograph to travel. In the event that there is no ID card, the holding facility must provide one. A "door card" or similar detention intake form with the juvenile's name and photograph may be used.
- Luggage, other than minimal carry-on luggage, is not funded for return travel. This luggage must be mailed to an appropriate address prior to departure. The Michigan compact office is not responsible for the return of pets, motorcycles or automobiles taken to another state.
- If the juvenile is less than 15 years of age or requires special assistance, staff seeking the juvenile's return must notify the compact office in advance so special airline procedures can be arranged and pre-funded. Transport staff, surveillance staff and meeting staff must provide their name, address, date of birth from their photo ID and their cell phone to the compact office to enable ticket booking when special procedures are applicable.
- In the event that staff desires to escort a juvenile on a return flight, the county office, court, or responsible adult must coordinate in advance with the Michigan compact office. Absent a written, signed court order directing staff escort, the county, court or responsible adult must fund their own travel.
- Unless required by ICJ rule (requisition with Form I or II ordering youth to return), or the subject of a written and signed court order, juveniles signing a Form III may fly without staff escort. Returned juveniles travel in personal clothes.
- Returning juveniles are subject to all Transportation Security Administration screening requirements. Juveniles flying on commercial airlines may never be restrained.

On return, the caseworker, probation officer, or parent/guardian/responsible adult must contact the compact office to confirm return of the juvenile to Michigan.

On return, matters relating to appropriate juvenile placement, investigation of circumstances requiring juvenile return, and any remedial actions remain the responsibility of the caseworker,

probation officer or parent/guardian/responsible adult. The compact office requires no further reports.

## **ACTION-JUVENILE FOUND IN MICHIGAN**

### **Immediate Action**

Staff must attend to the juvenile's needs including food, shelter and medical attention as necessary. Staff must be aware that the juvenile may have been subjected to abuse, neglect, victimization and significant periods without basic life needs.

Staff must also be aware that the juvenile may be a victim of human trafficking and that the trafficker may be in the vicinity and seek to regain control/custody of the juvenile.

In the event that a juvenile is found in Michigan, the ICJ rules provide for release to a parent/guardian within 24 hours. If this situation occurs, the caseworker must notify the compact office.

Any juvenile, including a non-delinquent runaway, causing harm to themselves or held more than 24 hours must be securely held. The nature of the holding facility must be determined by the juvenile's age and Michigan law.

Staff must notify their supervisor and the Michigan compact office providing the following information as soon as possible:

- Youth name.
- Date of birth.
- Race.
- Gender.
- Height.
- Weight.
- Marks, scars, tattoos.
- Hair color.
- Eye color.
- Legal status (runaway, escapee, absconder, failed to appear).
- Parent/guardian name.
- Parent/guardian phone.
- Parent/guardian address.
- Last placement name and address (if not parent/guardian).
- JPEG photograph (front and side).
- Copy of ID or driver's license.

The Michigan compact office must contact the home state compact office to confirm legal and return status.

Should the juvenile face criminal charges in Michigan, those charges must be resolved prior to the juvenile being allowed to return to the home state.

Staff must coordinate with the applicable county court to convene a hearing before a judge where the juvenile will be advised of their rights and offered a chance to sign an ICJ Form III to consent to voluntarily return to their home state. A Guardian Ad Litem may be appointed as part of the hearing process at the discretion of the court.

A youth of any age may sign the ICJ Form III without or without the presence of a Guardian Ad Litem. Juveniles may not sign the Form III without a court hearing.

If the juvenile refuses to sign the ICJ Form III, the juvenile must be returned to secure holding. Staff must notify the Michigan compact office.

The Michigan compact office must then contact the home state compact office to determine if they will initiate an ICJ requisition.

Any juvenile who initially refuses to sign an ICJ Form III may decide to sign the form at a later date.

When the juvenile signs the Form III, staff must provide the form to the Michigan compact office who must provide the form to the home state compact office. The home state will normally open the case in JIDS.

### **Michigan Juvenile Living Out of State at Known Address**

Staff having a reasonable confidence that a juvenile is living in another state without permission must initiate an ICJ requisition process in accordance with the 600 series ICJ rules.

### **Communication between States**

State compact offices are responsible for communications between states in accordance with the 200 series ICJ rules. In the event that communications between local offices are desired, the



caseworker or probation officer must contact the Michigan compact office with a request explaining the nature of the communication desired and the requestor's contact information. Once permission is granted by both compact offices and communication is complete, the caseworker or probation officer must summarize the results of the communication in a memorandum scanned into the Juvenile Interstate Data System.

## Return Travel

The Michigan compact office must coordinate the return with the home state compact office, holding facility, and transport staff. Travelers Aid Society may be involved in escorting youth and ensuring the juvenile boards the aircraft in Detroit. Coordination includes but is not limited to:

- Photo identification (detention door card or other similar).
- Ticket routing from home state to transporter.
- Luggage matter (only carry-on normally allowed).
- Medication (transfer must be addressed in advance).
- Pre-departure meal.

Michigan is responsible for transport from the holding facility to the departure airport. Normally court, detention, law enforcement or MDHHS county assets are used. Transporters are assumed to follow their own security protocol for transport.

The home state must arrange and fund return travel from Michigan to the home state including surveillance in layover airports as required. Commercial airlines must be used unless other arrangements are approved by both state compact offices.

The juvenile may be provided a small amount of money (less than \$10) for meal expenses incident to travel. This money is optional, subject to availability, and at the discretion of the supervising/transport worker.

Returning juveniles must travel in personal clothing.

Returning juveniles may not be restrained on commercial aircraft.

The home state is responsible for coordinating the return of the juvenile's personal gear with the holding state compact office and the holding facility. This may be accomplished prior to or after departure.

**TRAINING**

Training in ICJ return procedures and the use of the Juvenile Interstate Data System may be arranged with the Michigan compact office.

**LEGAL BASIS**

Interstate Compact Act for Juveniles Act, 2003 PA 56, as amended, MCL 3.691 et seq.

Social Welfare Act, 1939 PA 280, as amended, MCL 400.115a(a)(I)